

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Ronnie Martin,)
Petitioner,) Civil Action No. 4:22-cv-3264-BHH
v.)
Kenneth Nelson,)
Respondent.)

)

ORDER

This matter is before the Court upon Petitioner Ronnie Martin's pro se motions for an extension of time to file a notice of appeal and for a certificate of appealability. (ECF Nos. 42 and 43.)

The Court entered an order in this case on August 24, 2023, adopting the Magistrate Judge's Report and granting Respondent's motion for summary judgment. (ECF No. 39.) In accordance with Rule 4(a) of the Federal Rules of Appellate Procedure, Petitioner had 30 days after the entry of the order and judgment to appeal. Fed. R. App. P. 4(a). In his motion for an extension of time to file a notice of appeal, which was filed on September 6, 2023, within the time prescribed in Rule 4(a), Petitioner asserts that he is unable to access the law library regularly and requests an extension of time to file his notice of appeal. After review, for good cause shown and in accordance with Rule 4(a)(5), the Court grants Petitioner's motion for an extension of time and grants Petitioner until October 23, 2024, to file his notice of appeal.

Next, however, as to Petitioner's motion for a certificate of appealability, the Court notes that the Court previously denied a certificate of appealability in its order (see ECF No. 39 at 14-15) and nowhere in Petitioner's motion does he assert that the Court's decision

was in error. Nor does he offer any reason or basis for the Court to alter its decision. Ultimately, because the Court again finds that the legal standard for the issuance of a certificate of appealability has not been met, the Court denies Petitioner's motion for a certificate of appealability. 28 U.S.C. § 2253(c).

CONCLUSION

Based on the foregoing, Petitioner's motion for an extension of time to file a notice of appeal (ECF No. 42) is **granted**, and Petitioner shall have until October 23, 2024, to file his notice of appeal required by Rule 3 with the district clerk. However, Petitioner's motion for a certificate of appealability (ECF No. 43) is **denied**.

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United State District Judge

September 28, 2023
Charleston, South Carolina